

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

JOSEPH W. COVERT,

Plaintiff,

vs.

MONTANA STATE PRISON,  
CHRISTINA ADAMS, WARDEN  
KIRKEGARD, WARDEN  
FLETCHER, MELISSA ATWOOD,  
UNKNOWN STAFF, CORRECTION  
OFFICER JOHN DOE, LT.  
THOMPSON, DEPUTY WARDEN  
SALMONSEN, and DEPUTY  
WARDEN GODFREY,

Defendants.

**CV 22-45-H-BMM-KLD**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

Pro se Plaintiff Joseph Covert filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 2.) Covert requests that the Court award him funds from his inheritance that Respondents allegedly embezzled, in addition to compensatory and punitive damages. (*Id.* at 4–5.)

Judge Kathleen DeSoto issued Findings and Recommendations on July 28, 2022 (Doc. 9.) Judge DeSoto recommends that the Court dismiss the Complaint

(Doc. 2). (Doc. 9 at 7.) Covert filed a five-page objection to Judge DeSoto's Findings and Recommendations on August 12, 2022. (Doc. 10.)

The Court reviews de novo those Findings and Recommendations to which a party timely objected. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the portions of the Findings and Recommendations to which the party did not specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 \*3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Covert's objections advance the same arguments that he raised before. The Court will not engage in Covert's attempt to reargue the same issues. The Court reviewed Judge DeSoto's Findings and Recommendations for clear error. The Court finds no error.

Accordingly, **IT IS ORDERED** that Judge DeSoto's Findings and Recommendations (Doc. 9) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Covert's Complaint (Doc. 2) is **DENIED**.

The Clerk of Court is directed to enter judgment in favor of Defendants and against Plaintiff. The Clerk of Court is further directed to have the docket reflect that this denial counts as a strike pursuant to 28 U.S.C. § 1915(g).

The Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 31st day of August, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge